

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)

c/o U.S. Attorney's Office)

Civil Division)

555 4th Street, NW)

Washington, D.C. 20530)

Plaintiff,)

v.)

Civil Action No. 19-2339

MICHAEL M. WILSON, also known)

as Michael J. Wilson)

1501 Crystal Dr., Apt. 529)

Arlington, VA 22202)

4643 Q Street, NW)

Washington, D.C. 20007)

Business)

Dr. Michael M. Wilson, M.D., J.D.)

and Associates)

2200 Pennsylvania Avenue, NW)

Fourth Floor, East)

Washington, D.C. 20037)

Defendant.)

COMPLAINT

(On Defaulted Health Education Assistance Loans)

The United States of America, on behalf of the U.S. Department of Health and Human Services, by and through counsel, the United States Attorney for the District of Columbia, advances this suit, under the authority of Sections 710-720 of the Public Health Service Act, codified at 42 U.S.C. § 292 f-p. This suit seeks recovery of statutory damages for breach of the Defendant's Health Education Assistance Loans (HEAL) obligations.

NATURE OF CLAIM, JURISDICTION, AND VENUE

1. This is an action for breach of contract for the Defendant's default on HEAL obligations owed to the United States.

2. *Jurisdiction.* This Court has jurisdiction pursuant to 28 U.S.C. § 1345.

3. *Venue.* The Defendant and the U.S. Department of Health and Human Services (HHS), the initiator and beneficiary of this claim, both reside in the District of Columbia. In addition, this claim rests on agreements executed in the District of Columbia, which is also the location of collection efforts. Therefore, venue lies in this Court pursuant to 28 U.S.C. § 1391.

THE PARTIES

4. The Defendant, Dr. Michael M. Wilson, M.D., also known as Michael J. Wilson, is a practicing attorney, who also graduated from medical school and who engages in medical malpractice and product liability litigation in the Washington Metropolitan Area. His practice does business as The Law Offices of Dr. Michael M. Wilson M.D., J.D. & Associates, 2200 Pennsylvania Avenue, NW, 4th Floor East Tower, Washington, D.C. According to the practice's website, <https://www.wilsonlaw.com/>, "[the] Washington D.C. medical malpractice law firm has recovered more than \$100 million for deserving clients." Public records reflect that he resides in Arlington, Virginia, but has property interests in the District of Columbia.

5. The United States of America, which is represented by the United States Attorney for the District of Columbia, is advancing this lawsuit on behalf of the U.S. Department of Health and Human Services ("HHS"), which insured the Defendant's HEAL loan. Although HHS was not the original lender, it is the loan's guarantor and paid the lender the full amount of the Defendant's indebtedness, with interest, and received assignment of the original promissory note.

BACKGROUND SUMMARY

6. On May 1, 1997, Defendant Michael Moureau Wilson signed a promissory note consolidating eight of his existing student loans, made between July 1982 and January 1986 by the Student Loan Marketing Association (“Sallie Mae”), into one HEAL agreement. The consolidated loans totaled approximately \$73,820, and the final HEAL obligation totaled \$250,805.99. When the Defendant later defaulted on this HEAL commitment, Sallie Mae filed an insurance claim with HHS for the then \$361,858.15 in indebtedness, including accrued interest. HHS paid this claim on February 11, 2013, and received an assignment of the promissory note.

7. By letter dated February 22, 2013, HHS notified Defendant that the previous holder of the HEAL promissory note had placed his loan in default and assigned the note to the United States Government. *See* Copy of Promissory Note, attached as Exhibit A; *see also* Certificate of Indebtedness (“COI”), attached as Exhibit B.

8. By letter dated April 29, 2013, HHS informed the Defendant that it had referred his account to a private collection agency. HHS’s letter cautioned the Defendant that unless he paid the obligation in full, or entered into a repayment agreement, HHS would refer the account to the U.S. Department of Justice (“DOJ”) for enforced collection.

9. By letters dated May 31, 2013, and March 9, 2018, HHS also advised the Defendant that his account was delinquent. In these letters, HHS provided notice to the Defendant of its intent to refer his debt to other Federal agencies for the purpose of administrative offset, which could have included federal tax refund offset, salary offset, wage garnishment, and other federal or state agency payments. HHS alerted him that paying the debt in full or entering into a repayment agreement would terminate administrative offset.

10. On or about February 10, 2017, and March 13, 2018, HHS again advised the Defendant that his failure to resolve his delinquent debt within sixty days would result in HHS referring his case to DOJ for enforced collection. The Defendant has not responded. To date, Defendant has only paid \$482.96 toward his outstanding indebtedness.

11. Repeated attempts by HHS to establish an acceptable repayment agreement have been unsuccessful. Accordingly, HHS now having referred the debt to DOJ, the U.S. Attorney's Office must advance this claim for breach of contract to enforce the obligation.

12. Pursuant to 42 U.S.C. § 254o (b)(1), the United States is entitled to recover damages equaling three times the total award (plus interest), proportionately reduced for creditable service performed. The Defendant has not performed any National Health Service Corps (NHSC) service. Under the terms of the loan, the Defendant should have paid the debt by January 4, 2007. The United States now seeks a judgment against the Defendant for the full amount of the debt, treble damages, interest and such other relief as is just and proper.

The Debt

13. The debt owed the United States (after application of all prior payments, credits and offsets), as of May 17, 2019, is as follows:

Current Principal	\$ 447,465.44
Current Accrued Interest	\$ 6,405.50
Total Due	<u>\$ 453,870.94</u>
Interest through Date	05/17/2019
Interest Rate	5.500%
Daily Interest Accrual	\$ 67.43
Total Payments Paid	\$ 482.96

The Certificate of Indebtedness (COI) shows the total owed to date, excluding attorney's fees. The principal balance and the interest balance shown on the COI are correct as of the date of

the Certificate, after application of all prior payments, credits, and offsets. Prejudgment interest accrues at the rate of 5.500% per annum.

COUNT I – BREACH OF PROMISSORY NOTE

14. Plaintiff incorporates by reference paragraphs 1 through 13 of this Complaint.

15. On May 1, 1997, Sallie Mae and the Defendant (hereinafter “the Parties”) entered a valid and enforceable written contract, described interchangeably as either a “Promissory Note” or a “Loan” (attached as Exhibit A). The Parties exchanged good and valuable consideration; that is, according to the terms of the promissory note, Sallie Mae loaned the Defendant money for his educational expenses, and the Defendant agreed to pay back the loan according to the terms of the promissory note, which included, among other things, HHS’s guarantee of the note against the Defendant’s default. Upon the Defendant’s default, HHS fulfilled its obligation to guarantee the note by paying Sallie Mae on or about February 11, 2013, and was assigned Sallie Mae’s rights under the promissory note, which include the right to sue to enforce its terms.¹

¹ No statute of limitations applies, pursuant to the Higher Education Technical Amendments of 1991 (“HETA”), 20 U.S.C. § 1091a, for the collection of federally insured student loans that are in default. *See* 20 U.S.C. § 1091a(a). Section 1091a(a)(2) of HETA provides: “Notwithstanding any other provision of statute, regulation, or administrative limitation, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action initiated or taken.” 20 U.S.C. § 1091a(a)(2).

DEMAND FOR JUDGMENT AND RELIEF

WHEREFORE, Plaintiff United States demands judgment against the Defendant, Michael M. Wilson, for principal and accrued interest, as of August 2, 2019, with interest accruing thereafter at the rate of 5.500% per annum to the date of judgment, and interest from the date of judgment at the legal rate until paid in full, with the addition of the Central Intake Facility fee of \$140.00, court costs, and such other relief as is just and proper.

Respectfully submitted,

JESSIE K. LIU
D.C. Bar No. 472845
United States Attorney

DANIEL F. VAN HORN
D.C. Bar # 924092
Chief, Civil Division

/s/

OLIVER W. McDANIEL, D.C. Bar #377360
Assistant United States Attorney
Civil Division
555 4th Street, N.W.
Washington, D.C. 20530
Office: (202) 252-2508
Fax: (202) 252-2610
Email: oliver.mcdaniel@usdoj.gov

August 2, 2019

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

I. (a) PLAINTIFFS (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANTS COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION <small>(PLACE AN x IN ONE BOX ONLY)</small> <input type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES <small>(PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)</small> FOR DIVERSITY CASES ONLY! <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5																				
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT**(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)**

<input type="radio"/> A. Antitrust 410 Antitrust	<input type="radio"/> B. Personal Injury/ Malpractice 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Medical Malpractice 365 Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review 151 Medicare Act <u>Social Security</u> 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) <u>Other Statutes</u> 891 Agricultural Acts 893 Environmental Matters 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
--	--	---	--

<input type="radio"/> E. General Civil (Other)	<input type="radio"/> F. Pro Se General Civil
---	--

<u>Real Property</u> 210 Land Condemnation 220 Foreclosure 230 Rent, Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property <u>Personal Property</u> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	<u>Bankruptcy</u> 422 Appeal 27 USC 158 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prison Conditions 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> 820 Copyrights 830 Patent 835 Patent – Abbreviated New Drug Application 840 Trademark	<u>Federal Tax Suits</u> 870 Taxes (US plaintiff or defendant) 871 IRS-Third Party 26 USC 7609 <u>Forfeiture/Penalty</u> 625 Drug Related Seizure of Property 21 USC 881 690 Other <u>Other Statutes</u> 375 False Claims Act 376 Qui Tam (31 USC 3729(a)) 400 State Reapportionment 430 Banks & Banking 450 Commerce/ICC Rates/etc. 460 Deportation	462 Naturalization Application 465 Other Immigration Actions 470 Racketeer Influenced & Corrupt Organization 480 Consumer Credit 490 Cable/Satellite TV 850 Securities/Commodities/Exchange 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
---	--	--	--

<input type="radio"/> G. Habeas Corpus/ 2255 530 Habeas Corpus – General 510 Motion/Vacate Sentence 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act 895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 740 Labor Railway Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) 441 Voting (if not Voting Rights Act) 443 Housing/Accommodations 440 Other Civil Rights 445 Americans w/Disabilities – Employment 446 Americans w/Disabilities – Other 448 Education	<input type="radio"/> M. Contract 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 153 Recovery of Overpayment of Veteran’s Benefits 160 Stockholder’s Suits 190 Other Contracts 195 Contract Product Liability 196 Franchise	<input type="radio"/> N. Three-Judge Court 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multi-district Litigation
☐ 7 Appeal to District Judge from Mag. Judge
☐ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input type="checkbox"/>	If yes, please complete related case form

DATE: _____

SIGNATURE OF ATTORNEY OF RECORD _____

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: